

## **REMARKS**

Claims 33-38 and 40-52 are pending in this patent application. By this amendment, claims 33, 37, 38, 40, 44, 45, 46, 51, and 52 have been amended, and claims 53-57 have been added. Reconsideration of this patent application, as amended, is respectfully requested.

### **Allowable Subject Matter**

Claims 37, 38, 44, 45, 51, and 52 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form and to include all of the limitations of the base claim and any intervening claims. Such rewriting has been done and thus claims 37, 38, 44, 45, 51, and 52 are believed to be in proper form.

### **Amendment to Abstract**

The abstract has been amended as suggested by the examiner.

### **35 U.S.C. § 102 Rejection (Vachon)**

Claims 33, 40, 43, 46, 47, and 50 were rejected under 35 U.S.C. § 102 as being anticipated by Vachon (U.S. Patent No. 5,531,780). Claims 33, 40, and 46 have been amended to more clearly define the invention. Reconsideration of claims 33, 40, 43, 46, 47, and 50, as amended, is respectfully requested.

Discussion Re: Patentability of Claim 33

*Amended Claim 33*

Among other limitations, amended claim 33 recites the following:

a tissue ingrowth member secured to an outer surface of said guide catheter and configured to facilitate fibrous tissue growth therein, whereby subcutaneous tissue of said body becomes affixed to said tissue ingrowth member when said tissue ingrowth member remains in contact with said subcutaneous tissue over a period of time.

Vachon's system does not disclose a tissue ingrowth member secured to an outer surface of a guide catheter. (Lead 20 of Vachon was equated with the claimed "guide catheter" in the Office Action.) It is axiomatic that anticipation of a claim under 35 U.S.C. § 102 is proper only if the prior art reference discloses each and every element of the claim. Since Vachon does not disclose each and every element of Applicants' amended claim 33, Vachon does not anticipate Applicants' claim 33.

Discussion Re: Patentability of Claim 40

The discussion regarding the patentability of claim 33 is relevant to the patentability of claim 40. As a result, claim 40 is allowable over the cited art.

#### Discussion Re: Patentability of Claim 43

Claim 43 depends directly from claim 40. As a result, claim 43 is allowable for, at least, the reasons hereinbefore discussed with regard to claim 40.

#### Discussion Re: Patentability of Claim 46

The discussion regarding the patentability of claim 33 is relevant to the patentability of claim 46. As a result, claim 46 is allowable over the cited art.

#### Discussion Re: Patentability of Claim 47

Claim 47 depends directly from claim 46. As a result, claim 47 is allowable for, at least, the reasons hereinbefore discussed with regard to claim 46.

#### Discussion Re: Patentability of Claim 50

Claim 50 depends indirectly from claim 46. As a result, claim 50 is allowable for, at least, the reasons hereinbefore discussed with regard to claim 50.

### **35 U.S.C. § 102 Rejection (Yoon)**

Claims 33-36, 40-43, and 46-50 were rejected under 35 U.S.C. § 102 as being anticipated by Yoon (U.S. Patent No. 5,843,017). Claims 33, 40, and 46 have been amended to more clearly define the invention. Reconsideration of claims 33-36, 40-43, and 46-50, as amended, is respectfully requested.

#### Discussion Re: Patentability of Claim 33

##### *Amended Claim 33*

As discussed above, one of the limitations of amended claim 33 is as follows:

a tissue ingrowth member secured to an outer surface of said guide catheter and configured to facilitate fibrous tissue growth therein, whereby subcutaneous tissue of said body becomes affixed to said tissue ingrowth member when said tissue ingrowth member remains in contact with said subcutaneous tissue over a period of time.

The system of Yoon does not disclose a tissue ingrowth member secured to an outer surface of a guide catheter. (Blunt dissector 12 was equated with the claimed "guide catheter" in the Office Action.) It is axiomatic that anticipation of a claim under 35 U.S.C. § 102 is proper only if the prior art reference discloses each and every element of the claim. Since Yoon does not disclose each and every element of Applicants' amended claim 33, Yoon does not anticipate Applicants' claim 33.

#### Discussion Re: Patentability of Claim 34-36

Each of claims 34-36 depends directly or indirectly from claim 33. As a result, each of claims 34-36 is allowable for, at least, the reasons hereinbefore discussed with regard to claim 33.

#### Discussion Re: Patentability of Claim 40

The discussion regarding the patentability of claim 33 is relevant to the patentability of claim 40. As a result, claim 40 is allowable over the cited art.

#### Discussion Re: Patentability of Claim 41-43

Each of claims 41-43 depends directly from claim 40. As a result, each of claims 41-43 is allowable for, at least, the reasons hereinbefore discussed with regard to claim 40.

#### Discussion Re: Patentability of Claim 46

The discussion regarding the patentability of claim 33 is relevant to the patentability of claim 46. As a result, claim 46 is allowable over the cited art.

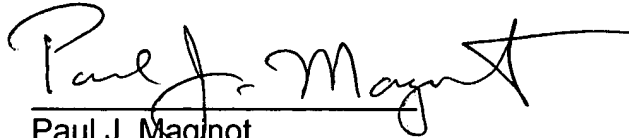
#### Discussion Re: Patentability of Claim 47

Each of claims 47-50 depends directly or indirectly from claim 46. As a result, each of claims 47-50 is allowable for, at least, the reasons hereinbefore discussed with regard to claim 46.

## Conclusion

In view of the foregoing amendment and remarks, it is submitted that this application is in condition for allowance. Action to that end is hereby solicited.

Respectfully submitted,

A handwritten signature in black ink, reading "Paul J. Maginot". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

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December 9, 2003

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